

Did you know?

The Department of Mines, Industry Regulation & Safety is the State Government department responsible for the Dividing Fences Act. Legal Aid WA also provide online information to help you to understand your responsibilities and to navigate disputes.



NEED MORE INFORMATION?

Head to denmark.wa.gov.au

- Send us an enquiry
- Lodge your application (planning approval or building permit)
- Find policies and guidelines

Contact our Planning team

- enquiries@denmark.wa.gov.au
- (08) 9848 0300
- 953 South Coast Highway
(9am-4pm Mon-Fri)



Current at 4 December 2023



FENCING



Fences Between Neighbours

Fences between one private property and another are a 'civil' matter that is resolved between landowners. The Shire is not involved in this process.

The *Diving Fences Act 1961* sets the rules for agreements and cost-sharing if you are building, replacing or repairing a dividing fence between your property and your neighbour.

The State Government has prepared guides to help explain how the Act works in practice. You can find these guides at:

www.commerce.wa.gov.au/building-and-energy/dividing-fence-matters-overview

The Shire's *Fencing Local Law* identifies the minimum standard of a 'sufficient fence' (referred to in the Act) – you can find this at: www.denmark.wa.gov.au/our-council/key-documents/local-laws.aspx



Fences in Front of Your House

If your property is in the Residential Zone, any fencing in front of your house (we call this the primary street setback area) must meet the standards of the Residential Design Codes. This includes:

- Any fencing above 1.2m high must be visually permeable (can see through it)
- Solid pillars or posts no higher than 1.8m
- Reduced in height (max. 0.75m) or truncated (cut into lot) within 1.5m of a driveway, laneway or street

For houses in all other zones, front fencing is to be of an open 'rural' standard (ie. post and rail/ post and wire no more than 1.2m high).

Fences to Public Reserves

If your property boundary meets a public reserve such as a park, fencing is required to be of an open 'rural' standard.

There are some exceptions to this – for example, reserves with utility infrastructure. Please contact us if you are unsure.

What materials can I use?

The Shire's *Fencing Local Law* identifies the types of materials that you can use for residential fencing, which includes timber, steel, fibre cement, brick, stone, concrete and composite materials. Construction standards are identified in the local law and the Building Code of Australia.

Special Rural, Landscape Protection & Conservation Lots

To avoid the loss of native bushland and allow the free movement of wildlife, some Special Rural, Landscape Protection and Conservation lots are not allowed to have boundary fencing. To find out if this applies to you please contact the Shire's Planning team.

